

Public Service Commission of the District of Columbia

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IN REPLY REFER TO:

April 17, 2000

Magalie Roman Salas
Secretary
Federal Communications Commission
445 Twelfth Street, S.W., TW-A325
Washington, DC 20554

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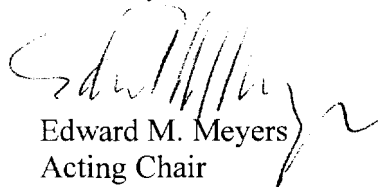
RE: Public Service Commission of the District of Columbia's Petition for
Waiver of 47 C.F.R. § 51.507(f)

Dear Ms. Salas:

Enclosed please find an original and five copies of the Public Service Commission of the District of Columbia's (DCPSC) Petition for Waiver of 47 C.F.R. § 51.507(f). Copies of the Petition have also been sent to the persons listed below.

The DCPSC appreciates the opportunity to file this Petition for Waiver.

Sincerely,


Edward M. Meyers
Acting Chair

Enclosures

cc: Neil Fried, Competitive Pricing Division
Wanda Harris, Competitive Pricing Division
International Transcription Services

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the Matter of)
)
Implementation of the Local) CC Docket No. 96-98
Competition Provisions of the)
Telecommunications Act of 1996)

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA'S
PETITION FOR WAIVER OF 47 C.F.R. § 51.507(f)

Through this Petition, the Public Service Commission of the District of Columbia ("DCPSC")¹ requests a waiver of compliance with 47 C.F.R. § 51.507(f), which requires state public service commissions to establish rates for interconnection and unbundled network elements ("UNEs") for at least three defined geographic areas.² Since the entire jurisdiction of the District of Columbia is comprised of the city of Washington, there are no geographical cost differences that would make establishing rates for three geographic areas practicable.

I. 47 C.F.R § 51.507(f)

47 C.F.R. § 51.507(f) reads:

(f) State commissions shall establish different rates for elements in at least three defined geographic areas with the state to reflect geographic cost differences.

¹ The DCPSC notes that the Office of the People's Counsel of the District of Columbia, Bell Atlantic – Washington, D.C., Inc., AT&T Communications of Washington, D.C., Inc., and Sprint have requested the DCPSC to seek a waiver of 47 C.F.R. § 51.507(f) for the same reasons articulated herein. See FC Formal Case No. 962, In the Matter of the Implementation of the District of Columbia Telecommunications Competition Act of 1996 and Implementation of the Telecommunications Act of 1996, *Statement of the Office of the People's Counsel Pursuant to Commission Order No. 11553*, filed March 15, 2000, at 5; *BA-DC's Statement on Additional Issues Pursuant to Orders No. 11546 and 11553*, at 4, filed Dec. 13, 1999; *AT&T's Comments Pursuant to Orders No. 11546 and 11553*, at 7, filed Dec. 13, 1999; and *Additional Statement of Sprint*, at 3, filed Dec. 13, 1999.

² The DCPSC files this Petition in response to the FCC's requirement that states establish rates for at least three geographic areas by May 1, 2000. See *In re Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Ninth Report and Order and Eighteenth Order on Reconsideration, 14 FCC Rcd. 20432, 20492-93. (1999).

- (1) To establish geographically deaveraged rates, state commissions may use existing density-related zone pricing plans described in § 69.123 of this chapter, or other cost cost-related zone plans established pursuant to state law.
- (2) In states not using such existing plans, state commissions must create a minimum of three cost-related rate zones.

The Federal Communications Commission (“FCC”) adopted 47 C.F.R. § 51.507(f) in order to comply with Section 252(d)(1)(a) of the Telecommunications Act of 1996, which requires that interconnection and UNE rates be cost-based.³ The FCC noted that in many states, interconnection and UNE costs were widely disparate among different regions.⁴ Therefore, in order to ensure that state rates for interconnection and UNEs adequately reflect the costs of such elements, the FCC determined that these costs should be deaveraged by dividing states into zones in which costs would be equivalent.⁵ States could then establish interconnection and UNE rates for each of the zones that would most accurately reflect the costs of the elements. The FCC presumed that three zones would adequately reflect the geographic cost differences within the states.⁶ Therefore, 47 C.F.R. § 51.507(f) requires states to set rates for at least three designated geographic areas.

II. DCPSC’S PETITION FOR WAIVER OF 47 C.F.R. § 51.507(f)

The DCPSC requests a waiver of the 47 C.F.R. § 51.507(f) requirement to set permanent interconnection and UNE rates based on three different geographic zones due to the unique nature of the District of Columbia. The District of Columbia’s entire

³ 47 U.S.C. § 252(d)(1)(a).

⁴ *In re* Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, *First Report and Order*, 11 FCC Rcd. 15499, ¶ 760 (1996).

⁵ *First Report and Order*, ¶ 764.

⁶ *First Report and Order*, ¶ 765.

jurisdiction is comprised of the city of Washington; there are no rural or suburban areas within the jurisdiction. Since the District of Columbia has an area of only 67 square miles, its residential and business areas are densely populated. Due to its urban character and size, there are no geographic cost differences for interconnection and UNEs that would be great enough for the DCPSC to make any meaningful distinction among areas in the city for the purposes of 47 C.F.R. § 51.507(f). There is no rational basis upon which to designate three different geographic zones in the city to establish interconnection and UNE rates.

Because of the District of Columbia's unique urban and compact nature, the DCPSC respectfully requests the FCC, pursuant to its authority,⁷ to grant the DCPSC a waiver from the requirements of 47 C.F.R. § 51.507(f), so that the DCPSC is required to establish only one set of interconnection and UNE rates for its entire jurisdiction.

Respectfully submitted,



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April 17, 2000

⁷ The FCC may grant a waiver of its rules upon a showing of good cause. 47 C.F.R. § 1.3.